

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHAD PELISHEK,

Plaintiff,

Case No.: 2:23-CV-1048

v.

CITY OF SHEBOYGAN, MAYOR RYAN SORENSON in his individual and official capacity, ALDERPERSONS ON SHEBOYGAN'S COMMON COUNCIL, BARBARA FELDE, ROBERTA FILICKY-PENESKI, AMANDA SALAZAR, all in their individual and official capacities; and DIRECTOR OF UPTOWN SOCIAL EMILY RENDALL-ARAUJO in her individual and official capacity;

Defendants.

**DEFENDANTS CITY OF SHEBOYGAN, MAYOR RYAN SORENSON,
ALDERPERSONS BARBARA FELDE, ROBERTA FILICKYPENESKI, AMANDA
SALAZAR, AND DIRECTOR OF UPTOWN SOCIAL EMILY RENDALL-ARAUJO'S
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) MOTION TO DISMISS
PLAINTIFF'S COMPLAINT IN ITS ENTIRETY**

NOW COME Defendants City of Sheboygan, Mayor Ryan Sorenson, Alderpersons Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, and Director of Uptown Social Emily Rendall-Araujo ("Defendants") by and through their undersigned attorneys, and hereby move to partially dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of their motion, and in support thereof, Defendants state as follows:

1. On or about August 7, 2023, Plaintiff filed a Complaint in the United States District Court Eastern District of Wisconsin (hereinafter "Plaintiff's Complaint") asserting four claims including, 42 U.S.C. § 2000e, *et seq.* - Violation of Title VII for discrimination and harassment

claims, 42 U.S.C. § 1983 - Fourteenth Amendment Rights for Equal Protection of the Law, 42 U.S.C. § 1983 - First Amendment Rights for retaliation claim, and 42 U.S.C. § 1983 - First Amendment Rights for prior restraint claim.

2. The undersigned filed a Waiver of the Service of Summons on or about August 17, 2023, on behalf of Defendants City of Sheboygan, Mayor Ryan Sorenson, Alderpersons on Sheboygan's Common Council, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, and Director of Uptown Social Emily Rendall-Araujo.

3. Based on the Brief and Memorandum of Authorities in Support of their Motion to Dismiss, filed contemporaneously herewith and by reference incorporated hereto, this Motion is timely, and it is proper for this Court to dismiss, as a matter of law, Plaintiff's Complaint in its entirety.

4. The pleadings and other supporting documents referenced hereunder show that Plaintiff has failed to state a claim upon which relief could be granted.

5 Defendants request an opportunity to present oral argument of this Motion.

WHEREFORE, Defendants City of Sheboygan, Mayor Ryan Sorenson, Alderpersons Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, and Director of Uptown Social Emily Rendall-Araujo request that this Court enter an Order dismissing Plaintiff's Complaint in its entirety as a matter of law for failure to state a claim upon which relief may be granted and for such other further relief as the Court deems just and equitable in the premises.

Dated: October 9, 2023

MWH LAW GROUP LLP

Attorneys for Defendants City of Sheboygan, Mayor
Ryan Sorenson, Alderpersons Barbara Felde,
Roberta Filicky-Peneski, Amanda Salazar, and
Director of Uptown Social Emily Rendall-Araujo

By: /s/ Electronically signed by Warren E. Buliox

Warren E. Buliox SBN 1056215

Kerrie M. Murphy SBN 1122869

Julie T. Bittner SBN 1128144

735 N. Water Street, Suite 610

Milwaukee, WI 53202

Telephone: (414) 436-0353

Facsimile: (414) 436-0354

warren.buliox@mwhlawgroup.com

kerrie.murphy@mwhlawgroup.com

julie.bittner@mwhlawgroup.com